

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ViCHIP CORPORATION,

Plaintiff,

No. C 04-2914 PJH

v.

**ORDER**

TSU-CHANG LEE,

Defendant.

Before the court is defendant's Notice of Motion and Motion to Remove Incorrectly Filed Documents. Defendant appears to have noticed the motion for a "current" hearing date of April 26, 2006, although certain of defendant's moving papers set forth a hearing date of May 17, 2006. Neither hearing date complies with Civil Local Rule 7-2(a). Accordingly, under normal circumstances, defendant's motion would be considered improperly filed. The court, however, regards defendant's motion as a motion for administrative relief, as it deals in substance with a miscellaneous administrative matter that is not otherwise governed by federal statute or local rule. See Civ. L.R. 7-11. As such, the matter has been deemed submitted for determination without hearing, and the court hereby proceeds to rule on defendant's request as follows:

The deadline for the filing of an opposition to defendant's motion having passed without any filing by plaintiff, defendant's request to remove (1) the Declaration of G. Whitney Leigh in Support of Dr. Lee's Opposition to Vi-Chip's Motion for Summary Judgment and (2) the Declaration of Tsu-Chang Lee in Support of Dr. Lee's Opposition to Vi-Chip's Motion for Summary Judgment from the electronic court file is GRANTED. The court further accepts for filing the replacement declarations of G. Whitney Leigh and Dr.

1 Tsu-Chang Lee in Support of Dr. Lee's Opposition to Vi-Chip's Motion for Summary  
2 Judgment, along with defendant's corresponding administrative motion to file those  
3 declarations under seal. The court will determine the propriety of defendant's  
4 administrative motion to seal the declarations in conjunction with the hearing on plaintiff's  
5 motion for summary judgment, set for May 17, 2006.

6  
7 **IT IS SO ORDERED.**

8 Dated: April 25, 2006



9  
10 \_\_\_\_\_  
11 PHYLLIS J. HAMILTON  
12 United States District Judge  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28